

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

STATE OF OHIO,

Plaintiff,

v.

GINA RAIMONDO, in her official capacity as Secretary of Commerce,* *et al.*,

Defendants.

Case No. 3:21-cv-00064-TMR

District Judge Thomas M. Rose

JOINT MOTION TO HOLD CASE IN ABEYANCE

On May 19, 2021, the Sixth Circuit remanded the above-captioned case to this Court and instructed that “the district court should treat this matter expediently.” ECF Nos. 33, 35. The parties have conferred and now jointly move to hold this case in abeyance subject to the following terms:

1. This case shall be immediately held in abeyance.
2. Defendants agree to provide Ohio with the redistricting data required by 13 U.S.C. §141(c), in a legacy format, no later than August 16, 2021.
3. Defendants further agree to provide the Court with updates regarding whether the Census Bureau still anticipates providing the data to Ohio no later than August 16, 2021, to be filed on the following dates:

* Because Gina Raimondo was confirmed as the Secretary of Commerce, she has been automatically substituted for Wynn Coggins, the former Acting Secretary of Commerce, under Federal Rule of Civil Procedure 25(d).

- June 14, 2021
- June 28, 2021
- July 12, 2021
- July 26, 2021
- August 2, 2021
- August 9, 2021

4. On each respective date, Defendants will file a notice with the Court stating: “As of this [Date of Notice], the Census Bureau anticipates providing Ohio with the redistricting data required by 13 U.S.C. §141(c), in a legacy format, no later than August 16, 2021, absent congressional action, orders from any court, or unforeseen processing issues that may prevent Defendants from providing such data by August 16, 2021.” Should any events change the anticipated delivery date, Defendants will provide further information in the notice.

5. This Court shall retain authority to enforce the terms of this agreement.

6. Because this matter would be resolved if Ohio receives the redistricting data required by 13 U.S.C. §141(c), in a legacy format, no later than August 16, 2021, Ohio stipulates and agrees to dismiss this case without prejudice if the Census Bureau provides Ohio with such data by August 16, 2021.

DATED: May 25, 2021

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Ohio Attorney General

/s/ Benjamin M. Flowers
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CERTIFICATE OF SERVICE

I hereby certify that on May 25, 2021 a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system.

/s/ Benjamin M. Flowers
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